

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CYBER CHAMPION INTERNATIONAL, LTD.,

Case No.: 07 CV 9503 (LAK)

Plaintiff,

- against -

CARLOS FALCHI, MARCOS FALCHI, and  
XYZ COMPANIES,

Defendants.

**NOTICE OF MOTION TO  
ENFORCE THE JUNE 3, 2008  
SETTLEMENT AGREEMENT**

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PLEASE TAKE NOTICE that upon the accompanying Affirmation of Harlan M. Lazarus, Esq., and Memorandum of Law in Support thereof, Plaintiff, Cyber Champion International ("Plaintiff") will move this Court, pursuant to the August 6, 2008 Memorandum and Order of United States Magistrate Judge Douglas F. Eaton (the "Order") for an Order:

- (i) enforcing the June 3, 2008 Settlement Agreement;
- (ii) directing the Clerk of this Court to enter a money judgment against Carlos Falchi in the sum of One Million Dollars (\$1,000,000.00);
- (iii) permanently enjoining Defendants, Carlos Falchi ("Carlos") and Marcos Falchi ("Marcos") (collectively referred to as the "Defendants") from, directly or indirectly, using in commerce any trademarks, tradenames, and/or marks derived from, similar to, suggesting, and/or resembling Plaintiff's "Carlos Falchi" Trademarks, or any variations thereof;
- (iv) permanently enjoining Plaintiff and Defendants from, directly or indirectly, using in commerce the mark "Chi By Falchi"; and
- (v) permanently enjoining Carlos from, directly or indirectly, publicly associating Carlos's name with use by Marcos, directly or indirectly, of a mark, in whole, or in part, consistent with "Chi".

PLEASE TAKE FURTHER NOTICE that, in accordance with the Order, opposition papers, are due to be served and filed by September 23, 2008, and any reply papers must be served and filed by September 30, 2008.

Dated: September 8, 2008  
New York, New York

**LAZARUS & LAZARUS, P.C.**  
*Attorneys for Plaintiff*

By \_\_\_\_\_

**HARLAN M. LAZARUS (HML-0268)**  
240 Madison Avenue  
New York, New York 10016  
(212) 889-7400

**TO: MALDJIAN & FALLON LLC,**  
*Attorneys for Defendant, Marcos Falchi*  
Intellectual Property Counsel  
365 Broad Street, 3rd Floor  
Red Bank, NJ 07701  
**Attn: BRIAN GAYNOR, ESQ.**

- and -

**TO: BALLON STOLL BADER & NADLER, P.C.,**  
*Attorneys for Defendant, Carlos Falchi*  
1450 Broadway, 14th Floor  
New York, NY 10018-2268  
**Attn: DWIGHT YELLEN, ESQ**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CYBER CHAMPION INTERNATIONAL, LTD.,

Case No.: 07 CV 9503 (LAK)

Plaintiff,

- against -

**ORDER**

CARLOS FALCHI, MARCOS FALCHI, and  
XYZ COMPANIES,

Defendants.  
-----X

PLEASE TAKE NOTICE, that based upon Cyber Champion International, Ltd.  
Motion requesting an Order:

- (i) enforcing the June 3, 2008 Settlement Agreement;
- (ii) directing the Clerk of this Court to enter a money judgment against Carlos Falchi in the sum of One Million Dollars (\$1,000,000.00);
- (iii) permanently enjoining Defendants, Carlos Falchi ("Carlos") and Marcos Falchi ("Marcos") (collectively referred to as the "Defendants") from, directly or indirectly, using in commerce any trademarks, tradenames, and/or marks derived from, similar to, suggesting, and/or resembling Plaintiff's "Carlos Falchi" Trademarks, or any variations thereof;
- (iv) permanently enjoining Plaintiff and Defendants from, directly or indirectly, using in commerce the mark "Chi By Falchi"; and
- (v) permanently enjoining Carlos from, directly or indirectly, publicly associating Carlos's name with use by Marcos, directly or indirectly, of a mark, in whole, or in part, consistent with "Chi";

and the accompanying Memorandum of Law and Affirmation of Harlan M. Lazarus, in support thereof, and for good cause shown, it is hereby:

**ORDERED**, that the Settlement Agreement reached between the parties at the

Settlement Conference held on June 3, 2008 before United States Magistrate Judge Douglas F. Eaton is enforced; and it is further

**ORDERED**, that

- (i) the Clerk of this Court is to enter a money judgment against Carlos Falchi in the sum of One Million Dollars (\$1,000,000.00);
- (ii) the Defendants are permanently enjoined from, directly or indirectly, using in commerce any trademarks, tradenames, and/or marks derived from, similar to, suggesting, and/or resembling Plaintiff's "Carlos Falchi" Trademarks, or any variations thereof;
- (iii) Plaintiff and Defendant are permanently enjoined from, directly or indirectly, using in commerce the mark "Chi By Falchi"; and
- (iv) Carlos is permanently enjoined from, directly or indirectly, publicly associating Carlos's name with use by Marcos, directly or indirectly, of a mark, in whole, or in part, consistent with "Chi".

Dated: \_\_\_\_\_

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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CYBER CHAMPION INTERNATIONAL, LTD.,

Case No.: 07 CV 9503 (LAK)

Plaintiff,

- against -

CARLOS FALCHI, MARCOS FALCHI, and  
XYZ COMPANIES,

Defendants.

-----X

**NOTICE OF MOTION TO ENFORCE THE JUNE 3, 2008**  
**SETTLEMENT AGREEMENT**

LAZARUS & LAZARUS, P.C.

*Attorneys for Defendants*

240 Madison Avenue, 8<sup>th</sup> Floor

New York, New York 10016

Tel. (212) 889-7400

To

Service of a copy of the within is hereby admitted.

Dated:.....

Attorney(s) for

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